

Patent
Attorney Docket: 491,920-029
(prev 263/103)

REMARKS

The following remarks were included in the Amendment faxed January 8, 2004, and should be considered in their entirety. This Revised Amendment & Response cancels claims 15-93, which had previously been withdrawn from examination in response to a restriction requirement early in the case.

Applicant appreciates the courtesy extended by the Examiner in the 6 January 2004 interview between the Examiner and applicant's representative held in person at the U.S. Patent and Trademark Office. Applicant understands that the Examiner will be sending an interview summary later this week and that applicant will not be required to provide a separate summary.

Clarifying amendments

The two independent claims currently pending, claims 1 and 13, are herewith amended only to clarify any possible confusion about the implantable nature of the sheet. The amendments are not meant to narrow the claims, nor are they made for any reason related to patentability. The amendments merely confirm that the claims were limited to implantable sheets as was clearly indicated in the previous preambles.

Simplifying amendments

In order to simplify prosecution, claims 106-109, 123-126, and 154-157 are herewith cancelled without prejudice. These claims will be prosecuted in a continuation application. These cancellations are not meant to narrow the claim set and are not made for any reason relating to patentability.

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§ 112 Incorporation by Reference Issue

It was agreed during the interview that, since applicant provided a copy of U.S. Patent No. 5,653,755 with the Amendment Under Rule 1.116, the examiner's objection to the incorporation by reference thereto would be withdrawn.

§ 103 Rejections

It was generally agreed to in the interview that the current rejections based on Netto would be withdrawn because, *inter alia*, Netto does not disclose the first surface being less textured than the second surface.

New Claims

New dependent claims 158-161 further specify non-obvious aspects of the invention.

Conclusion

Applicant respectfully requests that the claims be allowed without delay. Any fees required by this paper may be charged to O'MELVENY & MYERS LLP deposit account No. 50-2862

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: _____

1/28/04

By: _____

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PATENT TRADEMARK OFFICE

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